

## **REMARKS**

Acknowledgement of the priority documents in the above Office Action is appreciated. Regarding the Supplemented Information Disclosure Statement filed January 19, 2006, this was not intended to be a citation of additional prior art, but was merely in "supplement" to the Information Disclosure Statement filed October 21, 2005 to better help the Examiner understand the prior art cited in it. As such no Form PTO/SB/08 was required. Thus in considering the references cited October 21, 2005, the Examiner should have also considered the information in the IPER included with the Information Disclosure Statement filed January 19, 2006.

In response to the above Office Action, independent claims 1 and 13 have been amended to more specifically claim Applicants' invention and distinguish it from the cited prior art. More particularly, the claims have been amended to limit the layered structure of the "parison" by reciting that the container body, the fusion-bonded portion and the holder tab are integrally molded from a tubular parison having three or more layers including an innermost layer composed of a polyolefin, an intermediate layer composed of a polyolefin and a polycycloolefin and an outermost layer composed of a polyolefin. As a result, claims 2, 8-10, 14 and 16-18 have been cancelled. The claims now remaining in this case are claims 1, 3-7, 11-13 and 15.

Support for the claimed three layer structure can be found in the descriptions of Examples 3 and 4 and paragraphs [0091] and [0092] on page 38. See also Example 4 in Table 1 on page 41.

Also, attached is an Abstract on a separate sheet of paper in compliance with M.P.E.P. §608.01(b).

In the Office Action, the Examiner rejected claims 1, 4-6 and 12 under 35 U.S.C. §103(a) for being obvious over Meierhoefer (U.S. 4,502,616) in view of Komatsu et al. (U.S. 3,892,058), hereafter Komatsu. Now that the subject matter of claim 2 has been included in claim 1, it is believed this rejection is moot.

Claims 2 and 3 were rejected under 35 U.S.C. §103(a) for being obvious over Meierhoefer in view of Komatsu, further in view of Takanashi (US 4,537,305), hereafter Takanashi.

By limiting the layered structure in claim 1 to the claimed three layered structure, it is believed claim 1 now patentably distinguishes the claimed invention over this combination of references. As a result of such a structure the holder tab for wrenching off the fusion-bonded portion can be easily wrenched off from the fusion-bonded portion. Therefore, the openability of the plastic ampoule is improved.

In this regard, Meierhoefer only describes a vial in which a container body has a single layer structure, and does not have any description or suggestion of the layer structure of amended claim 1.

Further, Komatsu describes a container including an inner layer (1) formed of a polyamide film, an intermediate layer (2) formed of an aluminum foil, and an outer layer (3) formed of a polyester film having heat seal properties. However, it does not have any description or suggestion of the layer structure of amended claim 1. It also does not have any description of improving the openability of the container.

Takanashi may show a medical container having an inner and outermost layer of a polyolefin, but even if, for the sake of argument, it was obvious to substitute these layers for the inner and outer layers of Komatsu and use that structure to form the vial of

Meierhoefer, this still does not meet the claimed three layer structure of amended claim 1.

Accordingly, it is submitted that the claimed structure is not obvious over this combination of references.

The Examiner also rejected claims 7-11, now only claims 7 and 11, for being obvious over Meierhoefer in view of Komatsu, further in view of Itoh et al. (US 6,042,906), hereafter Itoh. Not only do these two claims depend from claim 1, but Itoh describes a plastic container in which an inner layer is formed of a non-cyclic olefin resin a first intermediate layer formed of a cyclic olefin copolymer, a second intermediate layer formed of an ethylene/vinyl alcohol copolymer, a third intermediate layer formed of a cyclic olefin copolymer and an outer layer formed of a non-cyclic olefin resin which are attached to one another by adhesive layers formed of a very-low-density polyethylene.

However, when amended claim 1 of the present invention is compared with Itoh et al., the structure of the plastic ampoule described in amended claim 1 is different from that of the plastic container described in Itoh et al., because the intermediate layer in amended claim 1 is composed of a polyolefin and a polycycloolefin. This is not described in Itoh. Further, it also does not have any description of improving the openability of the plastic container.

Accordingly, it is submitted that the claimed structure of claim 1 or claims 3-7, 11 and 12 dependent therefrom is not obvious over this combination of references either.

Finally, though the Examiner rejected independent process claim 13 for being obvious over Louviere (US 6,254,376) in view of Komatsu and claim 15 dependent

therefrom further in view of Takanashi, claim 13 now includes the three layered structure of the parison used to form the ampoule as discussed above which is not disclosed in the cited references. Louviere may disclose a method for making a plurality of interconnected vials, but neither the vials of Louviere or containers of Komatsu disclosed the claimed three layered structure of the parison or of the ampoules being produced.

Accordingly, it is submitted that claim 13 and claim 15 dependent therefrom are not obvious in view of the cited combination of references.

The rejection of claims 14 and 16-18 on page 10 of the Office Action is now moot in view of the cancellation of these claims.

It is believed claims 1, 3-7, 11-13 and 15 are now in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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**Attachments:      New Abstract**

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